UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF WASHINGTON

UNITED STATES OF AMERICA, Plaintiff, vs. RENNIE RIOJAS ORTIZ, Defendant.	No. 1:16-CR-2075-LRS-1 **ORDER ON PRETRIAL CONFERENCE AND GRANTING MOTION TO CONTINUE**

BEFORE THE COURT is Defendant's Motion to Continue (ECF No. 24), which is unopposed and was heard on March 9, 2017. Richard Smith appeared for the Defendant. Assistant United States Attorney Meghan McCalla represented the United States.

Defendant requests a continuance of the currently scheduled trial date from March 20, 2017 to May 30, 2017, and an extension of the pretrial motion deadline to April 26, 2017. The defense needs additional time to review discovery, obtain additional discovery, prepare pretrial motions, and prepare this case for trial. Defendant has furnished a signed Waiver of Speedy Trial (ECF No. 25). This is the second request for a continuance.

The Speedy Trial Act, which is designed to protect a criminal defendant's constitutional right to a speedy trial and to serve the public interest in bringing prompt criminal proceedings, requires that a defendant's trial commence within seventy days from his indictment or initial appearance, whichever is later. Because of the mandatory time limits of the Act, the court generally disfavors requests for continuances. The court, however, has broad discretion in evaluating whether to grant or deny a motion to continue.

The court has considered the factors set forth in the 18 U.S.C. § 3161(h)(7)(B) and finds that the ends of justice are served in granting a continuance in this matter. The court's failure to grant a continuance could result in a miscarriage of justice and would the attorney for the Government the reasonable time necessary for effective preparation, taking into account the exercise of due diligence. See 18 U.S.C. § 3161(h)(7)(B)(iv). Accordingly, the ends of justice served by granting a continuance in this matter outweigh the best interest of the public and the Defendant in a speedy trial. See 18 U.S.C. § 3161(h)(7)(A).

ACCORDINGLY, IT IS HEREBY ORDERED:

1. Defendant's Motion to Continue (**ECF No. 24**) is **GRANTED**.

2. All pretrial motions, including motions in limine and Daubert motions, shall be filed and served on or before **April 26, 2017.** Responses and replies shall be filed in accordance with L.R. 7.1.

3. The Pretrial Conference on is set on **May 11, 2017 at 11:00 a.m.** in Yakima, Washington. The Court will hear all pretrial motions at the time of the Pretrial Conference unless earlier resolution without oral argument is requested.

4. Trial briefs, proposed voir dire, and joint proposed jury instructions shall be filed and served on or before **May 18, 2017**. Each party shall also email copies of their jury instructions, verdict form, witness list and exhibit list in Microsoft Word format to the Court at SukoOrders@waed.uscourts.gov.

5. The jury trial is **RESET** from March 20, 2017 to **May 30, 2017** at 8:30 a.m. in Yakima, Washington. Jury selection will begin at 9:00 a.m.

6. The court declares excludable from the Speedy Trial Act time: pursuant to 18 U.S.C. § 3161(h)(1)(D) the period from **February 28, 2017** to the date of this Order, as the period of delay associated with the disposition of the pretrial motions; and pursuant to 18 U.S.C. § 3161(h)(7)(A), the period from **March 20, 2017** to the new trial date of **May 30, 2017**, as the period of delay resulting from the granting of the continuance.

The District Court Executive is directed to enter this order and to provide copies to all counsel, the U.S. Probation Office, the U.S. Marshal, and the Jury Administrator.

DATED this 10th day of March, 2017.

s/Lonny R. Suko

LONNY R. SUKO
SENIOR U.S. DISTRICT JUDGE